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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,344

07/20/2007

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EXAMINER

DOWLING, WILLIAM C

ART UNIT

PAPER NUMBER

2878

MAIL DATE

DELIVERY MODE

04/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,344	Applicant(s) HAUBMANN, MICHAEL	
	Examiner William C. Dowling	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 20-23, 26, 27, 30 and 33-35 is/are rejected.
- 7) ☐ Claim(s) 18, 19, 24, 25, 28, 29, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>92606/72007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 26, 33- 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Collier (5,636,001).

Collier discloses a movie camera comprising:

a first imaging plane (30);

a second imaging plane (40) different from the first imaging plane;

and

a DMD chip(20) pivotally arranged along an. imaging beam path of said movie camera for deflecting a beam path which is tapped off from a film recording beam path to one of the first and second imaging planes.

The method of Collier is a method for controlling an imaging beam path, which is tapped off from a movie film recording beam path of a movie camera and is interrupted periodically as a function of the image recording frequency of the movie camera, wherein the imaging beam path is interrupted at a constant or variable frequency by means of an optical switching element during an exposure phase of the movie film.

The claim limitations are met because the language utilized uses the alternate terminology “or” in both the interruption of the light beam or the deflection. Thus only one of these functions need be met by the prior art. The alternate terminology “or” is also used in the alternative “second imaging plane, or to a light trap”. This language may be interpreted as to negate any presence of a light trap. The language should be amended to definitely recite the physical presence of a light trap in addition to the second image plane and the selective deflection to both the second image plane and the light trap.

3. Claims 17, 20-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Jacumet (2003/0147049).

Jacumet teaches a method for controlling an imaging beam path, which is tapped off from a movie film recording beam path of a movie camera and is interrupted periodically as a function of the image recording frequency of the movie camera, wherein the imaging beam path is interrupted at a constant or variable frequency by means of an optical switching element during an exposure phase of the movie film, or is deflected from a first imaging plane to at least a second imaging plane. See figure 2

The claim limitations are met because the language utilized uses the alternate terminology “or” in both the interruption of the light beam or the deflection. Thus only one of these functions need be met by the prior art. The alternate terminology “or” is also used in the alternative “second imaging plane, or to a light trap”. This language may be interpreted to negate any presence of a light trap. The language should be

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amended to definitely recite the physical presence of a light trap in addition to the second image plane and the selective deflection to both the second image plane and the light trap.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacumet in view of Collier.

Jacumet teaches the invention substantially as claimed but does not teach the use of a DMD as beam deflection means.

Collier teaches the use of a DMD chip(20) pivotally arranged along an. imaging beam path of said movie camera for deflecting a beam path which is tapped off from a film recording beam path to one of the first and second imaging planes.

It would have been obvious to one skilled in the art to modify the device of Jacumet by the substitution of alternate image beam deflection means, such as a DMD, as taught by Collier in order to obtain efficient beam redirection.

Allowable Subject Matter

6. Claims 18-19, 24-25, 28-29, 31-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Dowling whose telephone number is 571-272-2116. The examiner can normally be reached on MON-THURS.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Dowling/
Primary Examiner, Art Unit 2878

wcd